

Stronger Futures Requires Scrutiny for Human Rights Protection

The National Congress of Australia's First Peoples had requested the proposed Stronger Futures legislation package be examined by the newly created Parliamentary Joint Committee on Human Rights.

Yesterday Harry Jenkins MP, former speaker of the House and Chair of the new committee on Human Rights described the role of the committee as, *"to examine and report to Parliament on the compatibility of bills and legislative instruments with Australia's human rights obligations under seven core human rights treaties specified in section 3 of the Act. The committee is able to examine existing legislation and conduct broad inquiries into matters relating to human rights as referred to it by the Attorney-General."*

However, Mr Jenkins advised the Parliament the *"... committee would like to afford the Minister (Jenny Macklin) the opportunity to provide her assessment of the policy objectives of the [Stronger Futures] bills against Australia's human rights obligations and clarify for the committee the justification for any limitations on rights that the bills will impose."*

Yesterday Minister Macklin indicated she had not seen Mr Jenkins letter but believed the Stronger Futures bills do comply with the Racial Discrimination Act. There should be no problem, therefore, in responding positively to the request,.

Since there has been increasing concern about this particular legislation it would be foolish of the Minister to make objections. It is an opportunity for Government to have its position scrutinised and put an end to the criticism of organisations, churches and Leading Australian who have called for new thinking and an end to the legislation.

The Hon. Frank Vincent AO QC said *"There can be no doubt that the legislation which is before the parliament is racist legislation. It was racist in its conception, its' been racist in its development and it will remain racist in its implementation."* (8th March 2012)

Alastair Nicholson AO RFD QC said, *"This is largely racist legislation... because the Government has been forced in relation to most of it to rely upon the argument that it constitutes special measures for the benefit of Aboriginal people to put in through It is in ... breach of the Racial Discrimination Act."*

Statements from the Yolngu Nations Assembly of Arnhem Land, the Gurindji people of Daguragu and Kalkarindji, and the Eastern Alyawarr peoples calling for the abandonment of the legislation and the return of rights have been publicly documented and provided to the Prime Minister, each senator and members of parliament. Last year the Central Land Council also called for an end to the Intervention.

The Senate Review Committee stated of the 2011 NT Stronger Futures meeting (held from June –August last year) *"There was a lot of concern about the perceived lack of consultation ... and that more time [was]needed to be taken building relationships with people .. ."*(1) They added,

“... the committee is concerned that there remains misunderstanding of the stronger futures bills in the Northern Territory and that the committee has heard complaints raised about the manner in which the consultations were undertaken. The committee notes with serious concern the degree of confusion, and frustration expressed in relation to the Stronger Futures consultations. There appears to be a discrepancy between the level of consultation undertaken, as reflected in FAHCSIA's evidence and the consultation evaluation report, and the level of understanding within communities.(2)

‘concerned Australians’ say, “When Aboriginal people perceive themselves to be second class citizens without rights, it is time for a commitment of whatever it takes to ensure our national integrity by establishing due processes and equality for all Australians. This means that we need to rethink the Stronger Futures legislation that has been developed through a flawed consultation process and which will continue to disregard the basic right to self determination”

Mr Jenkins has offered Minister Macklin a first step in this process.

¹ 4.3 Senate Hearing Stronger Futures Report (March 2012), 59

² 4.13 *ibid*, 72